

~~PROPOSED ORDER/COVER SHEET~~TO: Honorable Wayne D. Brazil
U.S. Magistrate Judge**FILED**

RE: Kelvin Arnold

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

DEC 13 2007

DOCKET NO.: CR 07-00488 CW

DATE: December 13, 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:**Paul Mamaril
U.S. PRETRIAL SERVICES OFFICER510-637-3757
TELEPHONE NUMBER**RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)**

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.



I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.



Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. _____ on _____ at _____.



Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court Judge _____



I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:



Modification(s)

A.

B.



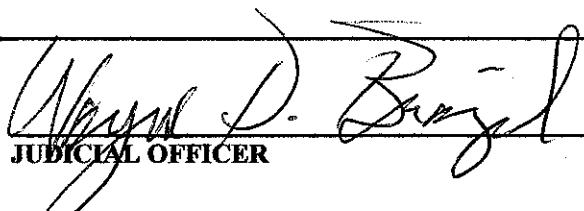
Bail Revoked/Bench Warrant Issued.



I am returning the signed order and direct that a copy be provided to the Court file and all interested parties (AUSA and Defense Counsel).



Other Instructions:


JUDICIAL OFFICER

12-13-07
DATE

Cover Sheet (12/03/02)

cc: WDB's Stats, Copy to parties via ECF,
Pretrial, Sherlah, Financial
My

To: Honorable Wayne D. Brazil
U.S. Magistrate Judge
From: Paul Mamaril
U.S. Pretrial Services Officer
Subject: ARNOLD, KELVIN RENALDO
CR07-0488-08 CW
Date: December 13, 2007



MEMORANDUM

Your Honor,

Mr. Arnold initially appeared before Your Honor on October 29, 2007, charged in an Indictment with a violation of Title 18, United States Code, Section 1028(f) - Conspiracy to Unlawfully Transfer or Use a Means of Identification of Another. On this same date, he was released on a \$100,000 unsecured bond, with the following special conditions:

1. The defendant shall report to Pretrial Services as directed;
2. The defendant shall maintain current employment or if unemployed shall seek and maintain verifiable employment;
3. The defendant shall surrender his passport and not apply for any new passports or travel documents;
4. The defendant's travel is restricted to the Northern District of California;
5. The defendant shall not possess any firearms, destructive devices, or other dangerous weapons;
6. The defendant shall not have any contact with any co-defendants outside of the presence of counsel;
7. The defendant shall not change residence without prior approval from Pretrial Services;
8. The defendant shall refrain from excessive use of alcohol and from any use or unlawful possession of a narcotic drug and other controlled substances without a legal prescription; and
9. The defendant shall comply with a curfew to be set by Pretrial Services.

On November 6, 2007, Mr. Arnold reported to Pretrial Services, and a post bail interview was conducted in the presence of his attorney. The defendant's aunt, Charlene McKenney, provided verification of the defendant's background information.

During the post bail interview, Mr. Arnold declined to answer questions regarding illicit substance use on the advice of his attorney. The defendant's aunt reported that the defendant consumes alcohol occasionally, however, she does not believe the defendant's alcohol consumption is a problem for him. Mrs. McKenney further reported that she believes the defendant has used marijuana in the past, however, she does not believe the defendant uses marijuana on a regular basis.

**MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL
UNITED STATES MAGISTRATE JUDGE
RE: ARNOLD, KELVIN**

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On November 28, 2007, Pretrial Services submitted a memorandum to Your Honor regarding our concerns of the defendant's behavior on pretrial release. This memorandum is attached for Your Honor's review. On November 29, 2007, Your Honor modified that defendant's bond to include the following condition:

1. The defendant shall participate in drug/alcohol counseling and submit to drug/alcohol testing as directed by Pretrial Services.

On December 12, 2007, the defendant reported to this officer. The condition that he shall participate in drug/alcohol counseling and submit to drug/alcohol testing as directed by Pretrial Services was reviewed. When queried about any drug use, Mr. Arnold admitted to using marijuana on December 8, 2007. The defendant provided a urinalysis which tested positive for marijuana and the sample was sent to Scientific Testing Laboratories for confirmation. This officer discussed with the defendant the seriousness of violating his release conditions, particularly the unlawful possession and use of a narcotic drug or other controlled substances without a legal prescription. This officer informed the defendant to abstain from any further drug use and also advised him that his drug testing levels will be closely monitored.

At this time, Pretrial Services requests that no action be taken as a result of the noted violation as these are being addressed with the defendant. Any future violations will be reported to the Court immediately.

This memorandum is submitted for Your Honor's information and consideration. If Your Honor has any questions regarding the above information, please contact this officer at 510-637-3757.

Respectfully submitted,


Paul Mamaril
U.S. Pretrial Services Officer

Reviewed by


Silvio Lugo, Assistant Deputy Chief
U.S. Pretrial Services Officer

cc: Assistant United States Attorney Keslie Stewart
Defense counsel Ismail Ramsey